

## **I.R.C.P. 83.e. Filing Appeal.**

Idaho Rules of Civil Procedure Rule 83(e). Filing Appeal.

Except for the filing of an appeal from a small claim judgment as provided in Rule 81(l), an appeal to a district court from the magistrate's divisions must be filed with the appropriate district court within 42 days after entry of the judgment or order. Provided, however, that in the magistrate's division the running of the time for appeal from a final judgment is suspended by (1) a timely motion for a judgment notwithstanding the verdict following a timely motion for a directed verdict, (2) a timely motion to amend or make additional findings of fact or conclusions of law, whether or not alteration of the judgment is required if the motion is granted, (3) a timely motion to alter or amend the judgment (except motions under Rule 60 or motions regarding costs and attorney fees) or (4) a timely motion for new trial; and the full time for appeal from such a final judgment commences to run and is to be computed from the date of the clerk's filing stamp on any order granting or denying any of the above motions. An appeal is commenced by the filing of a notice of appeal with the district court, and the appellant shall forthwith serve copies of the notice of appeal upon the court appealed from and all other parties to the action. On appeals from judgments or decisions in a juvenile proceeding, a copy of the notice of appeal shall be served upon the prosecuting attorney of the county in which the juvenile proceeding was held.

(Amended April 3, 1981, effective July 1, 1981; amended March 30, 1984, effective July 1, 1984; amended April 19, 1995, effective July 1, 1995.)

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